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OFFICE OF PETITIONS

In re Application of
Akane Yokota, et al.
Application No. 09/219,747
Filed: December 23, 1998
Attorney Docket No. 00862.002629

ON PETITION

This is a decision on the petition under 37 CFR 1.137(a), filed by facsimile transmission on May 13, 2004¹, which is being treated as a petition under 37 CFR 1.181 to withdraw the holding of abandonment.

The petition is **GRANTED**.

A "Notice of Allowance and Issue Fee Due" (Notice) was mailed to applicant on August 25, 2002, setting a three-month statutory period within which to timely pay the issue fee. Petitioner filed a continued prosecution application (CPA) on November 12, 2002, in reply to the Notice. Petitioner has provided evidence, namely a post card receipt, that the CPA was received in the USPTO. Furthermore, a review of USPTO records shows that the CPA filing fee and the fee for additional claims were processed in the Office on November 12, 2002. Since the CPA was timely filed, the application was improperly held abandoned. In view thereof, the petition fee of \$110 will not be charged to petitioner's deposit account.

This application is being revived solely for purposes of continuity with a continued prosecution application (CPA) filed on November 12, 2002.

Telephone inquiries regarding this decision should be directed to the undersigned at (703) 306-3475.

¹ The petition was originally filed on March 11, 2003, as evidenced by the copy of the post card receipt. The Office wishes to apologize for the delay in rendering a decision on the petition. Any inconvenience to petitioner is regretted.

The application file is being forwarded to Technology Center 2600 for further processing.



Marianne E. Morgan

Petitions Examiner

Office of Petitions

Office of the Deputy Commissioner
for Patent Examination Policy